

<b>13 October 2011</b>		<b>ITEM 4</b>
<b>Licensing Committee</b>		
<b>STATEMENT OF LICENSING POLICY IN RELATION TO SEX ESTABLISHMENTS</b>		
<b>Report of:</b> -Paul Adams, Principal Licensing Officer		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Yes	
<b>Accountable Head of Service:</b> Lucy Magill, Public Protection		
<b>Accountable Director:</b> Bill Newman, Sustainable Communities		
<b>This report is</b> Public		
<b>Purpose of Report:</b> -To agree a statement of licensing policy in relation to Sex Establishments for public consultation.		

## **EXECUTIVE SUMMARY**

Thurrock Council has adopted **s**Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) so that we can licence sex shops, sex cinemas, and sexual entertainment venues in the Borough. **\_**This **R**report presents a draft "**s**Statement of **!L**icensing **p**Policy in relation to Sex Establishments" for public consultation.

## **RECOMMENDATIONS:**

- 1.1** Agree the draft "**s**Statement of **!L**icensing **p**Policy in relation to Sex Establishments" for public consultation.
- 1.2** Following Consultation, the report will be brought back to Licensing Committee for approval before adoption at Full Council.

## **2. INTRODUCTION AND BACKGROUND:**

- 2.1** Thurrock Council has adopted **s**Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009), so that we can licence sex shops, sex cinemas, and sexual entertainment venues in the Borough. **\_**These are collectively known as Sex Establishments.

2.2 The Act makes no requirement for the publication of a policy in relation to Sex Establishments, and leaves it open to each Local Authority to publish on, if it is felt appropriate to do so.

### 3. ISSUES AND/OR OPTIONS:

3.1 Attached as **Appendix A** is a draft “statement of licensing policy in relation to Sex Establishments” for Thurrock.

~~3.2~~ **3.2**—The document sets out Thurrock Councils policy in relation to the licensing of sex establishments in the following areas:

- Suitable Location of Licensed Premises.
- Limits on numbers of Sex Establishments.
- Definitions.
- How to make an application.
- Procedure on the grant, renewal, variation and transfer of licences.
- Consultation on applications.
- Procedure for objecting to applications for licences.
- Determination of applications.
- Typical conditions for licences.
- Refusal, revocation, complaints and enforcement of licenses.

3.3 This policy will still allow each application to be judged on its own merit, but provides a foundation to which all applications can be decided upon.

### 4. CONSULTATION (including Overview and Scrutiny, if applicable)

This policy will be subject to a 28 day public consultation which will seek views from:

- Local residents;
- Community groups;
- Existing and future potential holders of sex establishment licences in the Borough;
- Relevant statutory bodies;
- Representatives of holders of premises licences under the Licensing Act 2003 within the Borough.

### 5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

5.1 The Council has a duty under Section 17 of Crime and Disorder Act 1998 to do all that it reasonably can to prevent:

- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local environment), and;
- (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this duty the Council should have due regard to the provisions of the Policing and Crime Act 2009.

## 6. IMPLICATIONS

### 6.1 Financial

Implications verified by: **Sean Clark**  
 Telephone and email: **01375 652010**  
**sclark@thurrock.gov.uk**

There are no financial implications.

### 6.2 Legal

Implications verified by: **Jamie Hollis**  
 Telephone and email: **01375 652925**  
**jhollis@thurrock.gov.uk**

The Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) as amended allows Local Authorities to adopt provisions concerning the regulation of sex establishments.

There is no legal requirement for the Council to adopt a policy on how it proposes to licence sex establishments under the Act. However, it is considered best practice for a Council to adopt such a **P**policy to encourage consistency and transparency in the way that its licensing functions are carried out.

### 6.3 Diversity and Equality

Implications verified by: **Samson DeAlyn**  
 Telephone and email: **01375 652472**  
**sdealyn@thurrock.gov.uk**

**Parliament has made it lawful to operate sex establishments, and that such businesses are a legitimate part of the retail and leisure industries. It is our role as a licensing authority to administer the licensing regime in accordance with the law.**

Before this policy is adopted and published it will be subject to public consultation as detailed in **s**Section 4 and in particular, the consultation **of** Essex Police, Thurrock Social Services, Thurrock’s Faith Forum, Thurrock Coalition, South Essex Rape and Incest Crisis Centre (SERICC) and Thurrock Women’s Aid.

An eEquality Impact aAnalysis will be undertaken which will take into account any comments and changes made as a result of the consultation, which will be completed before adoption.

**6.4** Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

There are none.

click this box once and type any other implications that are relevant to this report

**7. CONCLUSION**

7.1 The provision of a licensing policy in relation to sex establishments will ensure that all applications are decided upon in a fair, consistent and transparent manner.

**BACKGROUND PAPERS USED IN PREPARING THIS REPORT:**

Local Government (Miscellaneous Provisions) Act 1982 Schedule 3  
 Section 27 of the Policing and Crime Act 2009.  
 Sexual Entertainment Venues – Guidance for England and Wales.

**APPENDICES TO THIS REPORT:**

**Appendix A** – \_\_\_\_\_ Draft “sStatement of lLicensing pPolicy in relation to Sex Establishments” for Thurrock Council.

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